



PUBLIC NOTICE

US Army Corps
of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

Permit Application No:	Date:
SPECIAL PUBLIC NOTICE December 15, 2003	
Phone:	Suspense Date:
(505) 342-3216	January 14, 2004
In Reply Refer to:	

District Engineer, ATTN: CESPA-OD-R

PROPOSED MITIGATION AND MONITORING GUIDELINES FOR PROJECTS REGULATED UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344) AND SECTION 10 OF THE RIVERS AND HARBORS ACT OF 1899 IN THE ALBUQUERQUE DISTRICT

Summary of Proposed Mitigation and Monitoring

Guidelines: We are requesting public comment on the enclosed proposed Mitigation and Monitoring Guidelines before the above suspense date. The Guidelines will provide guidance and requirements to applicants for mitigation of unavoidable project impacts in waters of the United States, including wetlands, for activities regulated under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. The Guidelines provide a procedural Checklist to assist applicants when preparing mitigation and monitoring plans required by issued permits. Details of the proposed Guidelines are provided below and in the attached document.

Overview: The U.S. Army Corps of Engineers (Corps) and U.S. Environmental Protection Agency (EPA) regulations (33 CFR 320-331 and 40 CFR 230) authorize the Corps to require compensatory mitigation for unavoidable impacts to wetlands and other jurisdictional waters of the United States. The Corps is aware of problems with past compensatory mitigation sites and is committed to improving the success of future compensatory mitigation projects. These proposed Mitigation and Monitoring Guidelines are designed to assist the regulated public with all aspects of the mitigation process and to provide information to ensure future compensatory mitigation sites successfully replace all lost functions and values associated with regulated impacts to waters of the U.S.

With this Public Notice, the Corps is soliciting comments on the proposed Mitigation and Monitoring Guidelines.

Background: In the December 24, 2002, National Wetlands Mitigation Action Plan (Action Plan), the Administration affirmed its commitment to the goal of no net loss of the Nation's wetlands. The Action Plan outlined a series of actions to improve the ecological performance and results of wetlands compensatory mitigation under the Clean Water Act and related programs. The actions outlined in the Action Plan will help ensure effective restoration and protection of the functions and values of our Nation's wetlands, consistent with the goals of clean water laws.

The Action Plan discusses that a fundamental objective of the Clean Water Act Section 404 program is that authorized losses of wetlands and other waters are offset by restored, enhanced, or created wetlands or other waters that replace those lost acres and functions and values. Importantly, the regulatory program provides first that all appropriate and practicable steps be taken to avoid impacts to wetlands and other waters, and then that remaining impacts be minimized, before determining necessary compensatory mitigation to offset remaining impacts.

Albuquerque District Guidelines: This proposed mitigation guidance clarifies performance standards for mitigation and monitoring plans in the Albuquerque District. The mitigation guidance includes a mitigation plan checklist for permit applicants and incorporates guidance adopting the National Academy of Sciences National Research Council-recommended guidelines for creating or restoring self-sustaining wetlands to the Section 404 program. We recognize that on-site compensatory mitigation is not always practicable or best for the aquatic resources; however, we are striving to transition to a system-oriented or watershed approach to mitigation decisions. Mitigation plans should therefore describe how the mitigation project will contribute to the specific resource needs of the impacted watershed.

Guidelines documents: The proposed Mitigation and Monitoring Guidelines incorporate five parts: (I) Albuquerque District Mitigation and Monitoring Guidelines; (II) a Compensatory Mitigation Plan Checklist and Detailed Outline; (III) Outline for Monitoring Reports; (IV) a document Incorporating the National Research Council's Mitigation Guidelines into the Clean Water Act Section 404 Program; and (V) Regulatory Guidance Letter 02-2, Guidance on Compensatory Mitigation Projects for Aquatic Resources Impacts under the Corps Regulatory Program Pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

NEWS RELEASE

CESPA-OD-R
Special Public Notice

Albuquerque District Area: The proposed Albuquerque District Mitigation and Monitoring Guidelines will be applicable to mitigation activities required by Section 404 or Section 10 issued permits within the Albuquerque District boundary. The Albuquerque District includes southeastern Colorado, the state of New Mexico, and western Texas. A map showing the Albuquerque District boundary by state is available on our web page at www.spa.usace.army.mil/reg/

Point of Contact: If you have any questions regarding this Albuquerque District Mitigation and Monitoring Guidelines proposal, please contact:

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Comment: Comments concerning these proposed Albuquerque District Mitigation and Monitoring Guidelines should be received by the District Engineer, ATTN: Regulatory Branch, no later than **January 14, 2004**.

Dana R. Hurst
Lieutenant Colonel, U.S. Army
District Engineer

Enclosure
Proposed Mitigation and Monitoring Guidelines